

APPENDIX

The Clayton Act, approved October 15, 1914, as amended by the Robinson-Patman Anti-Discrimination Act,¹ approved June 19, 1936, insofar as pertinent herein, provides as follows (49 Stat. 1526; 15 U. S. C. A., sec. 13):

“Sec. 13. Discrimination in price, services, or facilities—

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“Payment or acceptance of commission, brokerage or other compensation

“(c) It shall be unlawful for any person engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

“Payment for services or facilities for processing or sale

“(d) It shall be unlawful for any person engaged in commerce to pay or contract for the payment of anything of value to or for the benefit of a customer of such person in the course of such commerce as com-

¹ Note: The Robinson-Patman Anti-Discrimination Act amended section 2 of the original Clayton Act. The quoted provisions, therefore, are generally known, and referred to in the petition and brief, as subsections 2(c) and 2(d), rather than as subsections 13(c) and 13(d) as they appear in Title 15 U. S. C. A.

pensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such person, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities."

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